

REDACTED VERSION

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-468

October 22, 1998

BANGOR GAS COMPANY, L.L.C.,
Petition for Approval to Provide Gas
Service in the Municipalities of Hampden,
Hermon, Milford, Bradley, Eddington,
Orrington, and Bucksport

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

We grant Bangor Gas Company, L.L.C.'s (Bangor Gas) authority to provide natural gas service in the municipalities of Hampden, Hermon, Milford, Bradley, Eddington, Orrington, and Bucksport as proposed.

II. PROCEDURAL HISTORY

On June 24, 1998, Bangor Gas filed its petition for authority to provide service to seven municipalities: Hampden, Hermon, Milford, Bradley, Eddington, Orrington, and Bucksport (Surrounding Communities). These seven municipalities are located adjacent to five municipalities in the greater Bangor where we previously authorized Bangor Gas to serve, i.e. Bangor, Brewer, Orono, Old Town and Veazie (Core Communities). See *Bangor Gas Company, L.L.C., Petition to Provide Gas Service in the Greater Bangor Area*, Docket No. 97-795, Order Granting Unconditional Service Authority (June 30, 1998) (June 30th Order). Bangor Gas provided copies of its filing to the Office of the Public Advocate (OPA) and counsel for CMP Natural Gas (CMP NG), Northern Utilities, Inc. (Northern), Maritimes & Northeast Pipeline LLC (MNE), and the Maine Oil Dealers Association (MODA), all intervenors in Docket No. 97-795.

Bangor Gas included in its filing the prefiled direct testimonies and exhibits of Andrew Rea, Frederick S. Samp and David G. Schiller. Bangor Gas filed both confidential and redacted versions of these testimonies and exhibits. In addition, Bangor Gas filed a proposed schedule for the proceeding and a Motion for Summary Judgment with its petition.

The Hearing Examiner issued Protective Order No. 1 on June 23, 1998 granting confidential treatment to certain business information contained in Bangor Gas's filing. Specifically, information relating to system design or engineering of the proposed system, market research or marketing information, projected costs, revenues, and earnings, and its proposed terms of debt capital, are afforded confidential treatment in this proceeding. In addition, similar confidential information provided in Docket No. 97-795 that may be used in this proceeding is also afforded confidential treatment under this protective order.

The Examiner issued a Notice of Proceeding and Prehearing Conference on July 1, 1998 by mail to parties in Docket Nos. 97-795 and 96-786 and by publication in newspapers of general circulation in the Bangor area.

A Prehearing Conference was held on July 14, 1998. The Hearing Examiner granted the intervention of the OPA, Bangor Hydro Electric Company (BHE), MODA, Northern, CMP NG, and Maritimes. The Examiner established the schedule for this proceeding by Procedural Order dated July 23, 1998. The schedule included a date for parties to respond to Bangor Gas's Motion for Summary Judgment for disposition in advance of the filing date for intervenor testimony.

On July 13, 1998, Bangor Gas filed affidavits of its witnesses in support of its motion for summary judgment. On July 8th and 23rd respectively, Bangor Gas filed the Supplemental Confidential and Redacted Prefiled Testimony and Exhibits of David G. Schiller and two corrected pages to the Confidential Engineering Report, Exhibit A thereto. On August 6, 1998, Bangor Gas filed Revised Confidential Tables 1 through 5, attachments to the testimony of Andrew Rea.

On August 20, 1998, Northern, CMP, and OPA filed comments in response to Bangor Gas's Motion for Summary Judgment. No party raised any outstanding issues of fact requiring further testimony and hearing. Bangor Gas filed responsive comments on August 24th. By Procedural Order issued on September 1, 1998, the schedule was modified to eliminate further litigation of this case and to allow for the preparation of an Examiner's Report, parties' exceptions, and Commission decision.

The Examiner's Report was issued on October 5th. OPA filed a letter offering no exceptions and supporting a policy that places the risk of start-up ventures on shareholders on October 13th. The Commission deliberated on October 19, 1998.

III. CONTENTS OF THE RECORD

We incorporate in the record all prefiled testimony and exhibits, discovery, and other filings made in this case, as well as transcripts of the prehearing conference.

IV. STANDARD OF REVIEW

A. Motion for Summary Judgment

Bangor Gas seeks authority to serve in the seven additional municipalities by means of a Commission ruling on its Motion for Summary Judgment that, as a matter of both fact and law, Bangor Gas is entitled to be granted unconditional service authority. CMP argues that a decision on summary judgment is not an appropriate means for the Commission to grant service authority because the Commission must also consider matters other than fact and law, specifically public interest issues, in making its decision. We agree. Public interest issues are an important part of the consideration of whether an entity should be authorized to serve any particular area. See *Central Maine Power Company, Petition for Approval to Furnish Gas Service In and To Areas Not Currently Receiving Natural Gas*, Docket No. 96-786, Order (August 17, 1998) (CMP).¹

In this case, no party has raised issues of fact or law in opposition to Bangor Gas's application for service authority to the surrounding communities. Rather, CMP has raised several public interest issues for our consideration with Bangor Gas's application. See CMP's Comments in Response to Bangor Gas's Motion for Summary Judgment dated August 20, 1998.

Consequently, herein we will address Bangor Gas's application on its merits, not only to allow consideration of public interest matters but also to provide a clearer indication of the basis on which we grant service authority.

B. Statutory Provisions

Bangor Gas seeks approval pursuant to 35-A M.R.S.A. §§2104-§2105. Title 35-A Section 2104 requires every gas utility to obtain commission approval before furnishing service in or to

¹ In granting Bangor Gas service authority in Docket No. 97-795, we considered the application on its merits rather than on Bangor Gas's Motion for Summary Judgment, finding that there were matters of fact in dispute. Those matters were taken up at a hearing.

any municipality even if no other gas utility is furnishing or is authorized to furnish gas service therein. Section 2102(1) requires a public utility to obtain the approval of the Commission before it may furnish service "in or to any municipality in or to which another public utility is furnishing or is authorized to furnish service..."

Section 2105(1) further requires the commission to find that public convenience and necessity require a second public utility where a public utility is already authorized to serve. Both sections 2104 and 2105 require us to determine, as a public interest matter, that the proposed service will be provided in a safe and adequate manner at rates that are just and reasonable. See *Mid-Maine Gas Utilities, Inc., Request for Approval to Furnish Gas Service*, Docket No. 96-465 (*Mid-Maine*), Order at 6 (March 7, 1997).

An applicant generally has the burden of proof to show that there is a need for service in areas in which it proposes to serve and that it is able to, in a timely manner, provide safe and adequate service at just and reasonable rates. See 35-A M.R.S.A. § 1314. However, a previously authorized utility contesting an application can present evidence to the contrary. See 35-A M.R.S.A. § 2105(2).

C. The Mid-Maine Precedent

For a grant of conditional service authority for gas utilities, an applicant must establish that 1) public need for the proposed service exists, 2) the applicant has the technical ability to provide the service, and 3) that the applicant has adequate financial resources to complete the project. In addition, these standards must be met in a manner consistent with providing safe and reliable service at just and reasonable rates, to ensure that the project will be in the overall public interest. For a grant of unconditional service authority, gas applicants must file and receive approval of detailed plans for construction, engineering, and financing before commencing service. See *CMP* at 9.

V. ANALYSIS OF BANGOR GAS'S APPLICATION

A. Conditional Authority

Bangor Gas argues that it has met the standards for a grant of conditional service authority in the surrounding communities as established by this Commission in *Mid-Maine*. Bangor Gas's overall competence to provide service as a public utility under the *Mid-Maine* standards for conditional authority

to serve is not disputed by any party. The question of whether Bangor Gas has sufficient financial and technical capability to provide service as a public utility was resolved by our findings in Docket No. 97-795. Nothing has been raised in this proceeding to suggest that that conclusion should be changed.

Similarly, a need for service exists because no natural gas service is currently being provided in these municipalities. Northern and CMP Natural Gas also have authority to serve in the surrounding municipalities, but, to date, they are not providing service. In both *Mid-Maine* and *CMP* we determined that we would authorize multiple entities to serve an area, thereby promoting the public benefit by encouraging competition among potential providers. Neither Northern nor CMP has raised any issues in this proceeding to suggest that harm will occur if we authorize an additional entity (or, more specifically, Bangor Gas) to provide service to the surrounding municipalities.

B. Unconditional Authority

The remaining elements presented for our review in determining whether to grant Bangor Gas unconditional authority for the surrounding communities involve the specifics of its proposal to construct and operate a system to serve seven additional municipalities. We must determine whether Bangor Gas's engineering proposal, financing plan, and resource plan support a conclusion that Bangor Gas can provide safe and reliable service at just and reasonable rates under the terms of its proposal. We consider these matters below.

Because the proposal in this proceeding simply incorporates additional municipalities into the overall proposal presented and approved in Docket No. 97-795, our review of this petition builds on our review in Docket No. 97-795. Consequently, our review of each aspect of the current proposal begins with a summary of what was proposed and approved in the prior proceeding.

1. Financing Plan

In Docket No. 97-795, Bangor Gas sought authority to issue total membership interests of up to \$17,500,000 in itself as a Limited Liability Company (LLC) in accordance with the terms of the Operating Agreement between the members, that is, Gassub, a wholly owned subsidiary of BHE and Bangor Pacific. These membership interests would constitute the equity in the new company. Bangor Gas also sought authority to borrow up to \$21,000,000 in secured construction loans for a period of up to 18 months. Security for the loans would be the

assets of the system as it is constructed. The Company disclosed anticipated loan rates which we found acceptable and indicated that it would pursue construction financing from commercial banking sources or would seek to borrow the funds from an affiliate of Energy Pacific.²

In this petition, Bangor Gas requests authority to increase both its debt and equity components. It requests approval to obtain capital contributions of up to \$22,950,000 from its members and up to \$27,540,000 in secured construction debt. See "Application for Approval of Issue of Securities," appended as Exhibit 3 to the June 23, 1998 filing, at para. 17. The difference between the amounts we approved in Docket No. 97-795 and those contained in this petition is the additional financing amount necessary for the construction of a system into the seven additional municipalities.

In Docket No. 97-795, the Commission approved a securities issuance of up to \$17,500,000 in capital contributions. Bangor Gas is incorrect, however, that we approved \$21,000,000 in secured construction debt for Bangor Gas in Docket No. 97-795, subject to later review of the actual debt instrument. In Docket No. 97-795, we found that Bangor Gas had satisfied the standard we established in *Mid-Maine* and were confident that the Company would be able to obtain debt financing on reasonable terms. However, we did not grant the debt financing approval sought by Bangor Gas. Rather, we approved the equity portion of the Company's application, allowing Bangor Gas to make capital calls as provided for in the Operating Agreement. We also found that the Company's proposed use of debt financing met the criteria of 35-A M.R.S.A. § 901, but stated that we would not approve the actual debt instrument until the Company provides more specific information about the terms and conditions of the loan.

We approve Bangor Gas's request to be allowed an additional \$5,450,000 in capital contributions, up to a total of \$22,950,000. Further, we generally approve Bangor Gas's debt financing plan for up to \$27.54 million as proposed in the current petition. That is, we find Bangor Gas's proposal meets the criteria in 35-A M.R.S.A. § 901 but, as we stated in Docket No. 97-795, we will not finally approve the debt financing until we receive the actual debt instrument pursuant to 35-A M.R.S.A. § 902.

² This transaction would require our approval as an affiliated interest transaction, or require an exemption from the requirements of 35-A M.R.S.A. § 708.

In sum, we approve Bangor Gas's financing plan for the surrounding communities although we have not finally approved the debt component.

2. Engineering Plans and Safety

In our June 30th Order in Docket No. 97-795, we found that the engineering plans and cost estimates provided by Bangor Gas in support of its first certificate application provided us sufficient information to find that its engineering plans were reasonably designed to provide safe and adequate service. The support provided here for its certificate application to serve the surrounding communities is of a similar nature and is likewise sufficient for our purposes here. No party to this proceeding has disputed any aspect of its engineering or safety proposal.

Bangor Gas proposes to provide local distribution company (LDC) service in the towns of Hampden, Hermon, Milford, Bradley, Orrington, Eddington, and Bucksport. The engineering studies, system maps and models, construction diagrams and technical discussion, cost estimates, and construction schedule for this proposal are found in the Prefiled Testimony and Exhibits of David Schiller.

Bangor Gas provided cost estimates for the , enumerating quantities and costs for various sizes of pipe, as well as costs for meters and services, regulator stations and pressure limiting stations, and for engineering, permits and rights of way. Total costs for this project, including the Bucksport lateral, are estimated in these schedules to be about \$10.9 million. A construction schedule, by month, for each of these projects is provided with work beginning in .

As discussed in our June 30th Order, gas pipeline safety is guided by Chapter 420 of Commission's rules and by Part 192 of the Code of Federal Regulations. Bangor Gas has proposed to construct its system and train its personnel in accord with these rules and standards.

We find that the information provided by Bangor Gas regarding engineering, costs and safety is sufficient to enable us to determine Bangor Gas's engineering plan is reasonable and adequately designed to provide safe and adequate service.

3. Resource Plan

Bangor Gas's resource plan for serving the surrounding communities is discussed in the Confidential Prefiled Testimony and Exhibits of Andrew R. Rea. It is the same plan that was approved in Docket No. 97-795. See June 30th Order at 12-15. Primary potential sources of supply include Sprague Energy (Shell Sable Island Gas), Duke Energy, and Sempra Energy Trading. All would supply Bangor Gas with Sable Island gas via the Maritimes pipeline. Other resources would also be available on the Maritimes system.

Because Bangor Gas's non-gas rates are set independently of the actual cost of gas and the risks of under-pricing falls on shareholders under Bangor Gas's 10-year rate plan, we need not inquire into the details and cost of Bangor Gas's supply portfolio, other than to determine that supply will be reliable and adequate.³ The named suppliers are well-established vendors and Bangor Gas will have ample incentive to supply its system with reliable and adequate supplies of gas in order to maintain consumer confidence and to protect its investment in the construction of the natural gas system. Finally, as we noted in Docket No. 97-795, Bangor Gas's rate

³Prior to the unbundling of rates into transportation and commodity service in the gas industry and competitive retail access in the electric industry, utility resource plans were reviewed to assure that monopoly services were being provided to consumers at the lowest possible cost, and that the sources of supply were reliable. With the advent of competitive retail access in the electric and gas industries, consumers are no longer required to purchase supplies from a single monopoly entity. If the prices for unbundled service are unreasonable, consumers may purchase supplies from competitive suppliers. What remains is to ensure that the supply of resources provided to consumers will be safe and reliable.

See June 30th Order at 13-14. Consumers may also convert to alternative energy sources, including fuel oil and propane.

proposal adequately ensures that rates will be just and reasonable.

Consequently, we believe Bangor Gas has demonstrated that it will have adequate resources to provide safe and reliable service at just and reasonable rates.

4. Ability to Provide Service at Just and Reasonable Rates:
Unchanged Rates and Rate Plan

Next, we review Bangor Gas's expanded proposal to determine whether Bangor Gas has adequately shown that it will be able provide service at just and reasonable rates. Bangor Gas proposes to provide service to the surrounding communities under the same rate plan, rate schedules, and terms and conditions used or approved for the core communities. We discussed and analyzed rate issues in our June 30th Order, p. 13-14 and more extensively in our June 26th Order where we approved Bangor Gas's rates and rate plan, subject to approval of final tariffs. See Order Approving Rate Plan, Docket No. 97-795 (June 26, 1998) (June 26th Order) p. 13-14.

In Docket No. 97-795, we noted that the Bangor Gas proposal is unusual in one regard: under its multi-year rate plan, Bangor Gas proposes to charge customers not on the basis of cost of service, but with a rate capped at an estimated price of alternative fuel. Consequently, we found that rates do not depend on the start-up company's cost structure. We determined in Docket No. 97-795, that since Bangor Gas's multi-year rate plan does not tie rates to costs, our review of this aspect of Bangor Gas's proposal is not as critical as if rates were directly related to costs; the issue of whether Bangor Gas will be able to provide service at just and reasonable rates depends on the price cap structure it has proposed.

Nevertheless, in support of its first application Bangor Gas provided a 12-year forecast of financial performance to demonstrate that its proposal was financially sound. See Table 5, in the Prefiled Testimony and Exhibits of Johannes Van Lierop. This forecast showed negative returns in the early years, offset by high returns in later years, for an average return of . We found in our June 26th Order, that this exhibit supported the justness and reasonableness of Bangor Gas's rates and rate plan.

In support of its second application, Bangor Gas filed an update of Table 5, adding the results of its cost and revenue projections for the surrounding communities to the

same data for the core communities. The average rate of return for the combined system was

No parties disputed the facts in the updated exhibit.

Despite the uncertainty of such projections, we find that addition of the surrounding communities results in the financial performance of the original and the expanded LDC being largely the same. Moreover, ratepayers will not be subject to risk of inadequate earnings over the 10-year term of the rate plan.

In Docket No. 97-795, Mr. Van Lierop demonstrated, and Advisory Staff confirmed, that Bangor Gas's rates compare favorably with gas rates elsewhere in New England. Consequently, we found that under its proposed rate plan, Bangor Gas was capable of serving Maine customers at rates that are comparable to others existing and imposed in the region. In addition, we noted that the Commission will, after ten years, have the opportunity to assess whether costs and prices should be linked more directly. In the meantime, we held that customers will have the benefits of competition from a new energy source, and that the price of competitive fuels provides a market-related limit to how high Bangor Gas will be able to price its service. Bangor Gas's proposal to price its service attractively, compared to those fuels with which it will compete for customers, is designed to assist it in developing its customer base. Growth of the utility's customer base will enable the venture to recover its investment in the system over time.

Bangor Gas has not proposed to modify its proposed rates or rate plan. Therefore, based on the same reasoning as in our approval of Bangor Gas's prior proposal, we find that the extension of Bangor Gas's rates and rate plan to the surrounding communities will result in just and reasonable rates.

V. PUBLIC INTEREST ISSUES

CMP requests that we consider three policy or public interest issues before acting on Bangor Gas's application. CMP states that its principal concern is in ensuring fair competition and that it is necessary to subject both CMP Natural Gas and Bangor Gas the same regulatory treatment.

The public interest issues raised by CMP and its requested relief are as follows:

A. Require Bangor Gas to Provide Transportation Service to Competing Utilities

CMP requests that we require Bangor Gas to provide transportation service to competing gas utilities as one method of avoiding "dual trenching" in areas where LDC service territories overlap. CMP states that Northern has represented it would provide transportation service under its tariffs. CMP has stated that it would consider negotiating special arrangements to provide transportation service to competing utilities, but Bangor Gas stated at technical conference that it had not considered providing this service to a competing LDC. CMP also points out that requiring LDCs to provide transportation service to one another is consistent with our statements at deliberations in Docket No. 96-786 encouraging utilities to consider joint projects or other methods for avoiding duplication of facilities. CMP also asks us to require Bangor Gas to identify whether it will do so through negotiated special contracts or tariffs.

Bangor Gas argued that we can address "dual trenching" if it becomes an actual problem.

We decline to require the provision of transportation service to competing utilities. This issue has not been fully developed in this case. While we do not wish to discourage the negotiation of such arrangements between authorized utilities, we decline to impose that as a condition of Bangor Gas's service authority in this docket. We would prefer to address such policy issues in an investigation, inquiry, or rulemaking that would be applicable to all LDCs in Maine.

B. Make it Explicit That Bangor Gas's Shareholders Bear the Risk of Startup and Uneconomic Expansion, as Ordered for CMP in Docket No. 96-786

CMP argues that the Commission must apply the same standard to both Bangor Gas and CMP NG. CMP requests that we state that project startup and uneconomic expansion risk will be borne by Bangor Gas's shareholders. In its response, Bangor Gas states that its plan has been approved and there is no need to expand beyond that.

In our recent holding in Docket No. 98-786, we made clear that the shareholder risk standard does apply to all LDCs operating in Maine from here forward. We stated

...the risks associated with a distribution company's startup and uneconomic expansion in this competitive circumstance must fall on the utility's shareholders, not ratepayers. Setting this as a ground rule for all Maine gas utilities for future system expansion to unserved areas places all LDCs on equal footing.

See *CMP* at 14. (emphasis added) We intend to implement this policy in our rate making decisions going forward for all Maine utilities.⁴

C. Do not Characterize Service Authority Approvals as "Conditional" or "Unconditional"

CMP argues that the way we characterize its service authority approval is used to maximum competitive effect by competing utilities and our current designations influence or even mislead customers about a utility's ability to provide service.⁵

CMP notes that this distinction is not made in the statute. CMP notes that we granted Bangor Gas "unconditional" authority yet required it to file tariffs for approval before providing service, thereby imposing a condition. Yet, our order denying CMP Natural Gas unconditional authority until such time as it files and receives approval of a further submission puts CMP in a similar regulatory posture as Bangor Gas. CMP urges us not to use the terms "conditional" or "unconditional", but to let the final orders speak for themselves. Bangor Gas argues that

⁴ See also Order dated October 5, 1998, in Docket No. 96-786.

⁵ CMP notes that the language in the *CMP* order's summary and conclusion appears inconsistent. The introductory summary states: "We grant CMP unconditional authority to serve... subject to submission and approval of a revised proposal...". The conclusion states: "we do not grant CMP [Natural Gas] unconditional authority to serve... at this time, but will do so upon submission and approval of an acceptable revised proposal..". While the statements in their entirety are essentially consistent, we recognize that the wording difference could be confusing to some and could be played to advantage in marketing strategies. We will not issue a modified order to attempt to resolve any possible confusion at this point in time because CMP Natural Gas's revised proposal is now before us and will be acted upon very soon.

the terms were coined and defined in the *Mid-Maine* case and everyone knows what they mean at this point.

We note the potential for ambiguity and confusion with the use of this terminology and will endeavor to clarify these terms as we continue to use them. We developed the distinction between "conditional" and "unconditional" service authority in an effort to assist fledgling natural gas utilities obtain early preliminary approval of their efforts to develop distribution infrastructure within the state. See *Mid-Maine*. We regret any confusion that our use of these terms may have created, particularly for potential customers, given that competitors may exploit these terms to their maximum advantage.

CMP is correct that the terms are not legally necessary, i.e. they do not appear in statutory language or in Commission orders prior to *Mid-Maine*. They also have limited value in describing the nature of the authority, because the need for additional regulatory approvals may vary in each instance. On the other hand, the terms have been in use in a number of recent decisions, and parties are familiar with them.

On the whole, we would prefer to retain the terms for continuity in this area of law and practice before us. They are useful insofar as having an preliminary level of regulatory approval can assist nascent ventures in obtaining credibility with financial lenders.

Finally, we emphasize that a prospective gas utility need not apply in a two-step process (i.e. first for conditional authority, followed by application for unconditional authority). Rather, if it is sufficiently prepared, a utility can simply file a complete application for full authority.

VI. SUMMARY AND CONCLUSION

We grant Bangor Gas authority to provide service to the surrounding communities. Bangor Gas's engineering plan for the additional seven municipalities satisfies our requirement for a grant of full authority. Bangor Gas's resource plan is sufficiently complete at this state of the planning process and is also adequate in the context of Bangor Gas's proposed rate plan. Its rates and rate plan are unchanged, and were previously found reasonable.

In addition, as discussed above, while Bangor Gas's financing capability is clear and its options are reasonable, we will await the Company's specific financing proposal before granting 35-A M.R.S.A. § 902 approval.

We have addressed CMP's public interest issues in our order above. None of these issues requires us to suspend approval of Bangor Gas's application for service authority to the surrounding communities.

We conclude that Bangor Gas has made an adequate showing on the whole for us to grant it full service authority.

Dated at Augusta, Maine this 22nd day of October, 1998.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: WELCH
NUGENT
DIAMOND

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 6(N) of the Commission's Rules of Practice and Procedure (65-407 C.M.R.11) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which consideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.